

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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In the Matter of )  
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Implementation of Section 255 of the )  
Telecommunications Act of 1996 )  
 )  
Access to Telecommunications Services )  
Telecommunications Equipment, and )  
Customer Premises Equipment By Persons )  
with Disabilities )

WT Docket No. 96-198

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**REPLY COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION**

MCI Telecommunications Corporation (MCI), by its attorneys, hereby submits Reply Comments responsive to the Commission's Notice of Inquiry in the above-referenced proceeding.<sup>1</sup>

In this proceeding, MCI and all commenting parties uniformly applaud the action taken by the Commission to ensure that telecommunications equipment and services are accessible to the fullest extent possible to all Americans, without regard to their physical and mental capabilities. These Reply Comments focus on MCI's position regarding issues that are of paramount importance to effective implementation of Section 255 of the Telecommunications Act of 1996:<sup>2</sup>

- (1) enhanced services and information services are not "telecommunications services" within the meaning of Section 255 of the Act;
- (2) guidelines, along with existing rules and procedures, is the most effective enforcement mechanism for ensuring accessibility; and

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<sup>1</sup>*In the Matter of Implementation of Section 255 of the Telecommunications Act of 1996: Access to Telecommunications Services, Telecommunications Equipment, and Customer Premises Equipment By Persons With Disabilities*, ST Docket No. 96-198, Released: September 19, 1996.

<sup>2</sup>Pub. L. 104-104, 110 Stat. 56 (1996) ("the Act").

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- (3) rigorous service deployment prerequisites are both unnecessary and counter-productive to the goal of ensuring accessibility.

I. ENHANCED SERVICES AND INFORMATION SERVICES ARE NOT “TELECOMMUNICATIONS SERVICES” WITHIN THE MEANING OF SECTION 255

Some commenting parties assert that enhanced services and information services such as Internet services should be treated as though they were “telecommunications services” within the meaning of Section 255.<sup>3</sup> To qualify as a “telecommunications service,” however, the transmission of the service must take place “without change in the form or content of the information as sent and received.”<sup>4</sup> Neither information services nor enhanced services fits that definition since, in both cases, the information transmitted is altered in some way. Thus, enhanced services and information services are not “telecommunications services” for purposes of Section 255.

II. GUIDELINES, ALONG WITH EXISTING RULES AND PROCEDURES, ARE THE MOST EFFECTIVE ENFORCEMENT MECHANISM FOR ENSURING ACCESSIBILITY

Some parties commented that adoption of guidelines is an inefficient way to enforce Section 255, and instead, asserted that rules and regulations are the only way to ensure compliance with the accessibility standards articulated in the statute.<sup>5</sup> MCI agrees that there must

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<sup>3</sup>See, e.g., Comments of the American Foundation For The Blind at p. 6; Comments of the National Association of the Deaf at p. 29; Comments of the Consortium For Citizens With Disabilities at p. 5.

<sup>4</sup>47 U.S.C. § 3(43).

<sup>5</sup>See, e.g., Comments of Self Help For Hard of Hearing People, Inc., at p. 2; Consortium For Citizens With Disabilities at p. 4.

be effective mechanisms in place to ensure the greatest degree of accessibility possible. Rules and regulations, however, are not the most effective way to accomplish that goal.

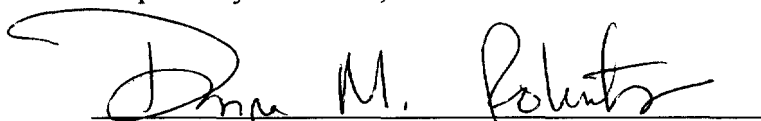
A rulemaking process followed by adoption of rigid rules is both impractical and unnecessary to ensure compliance with Section 255. The Commission should focus on implementing guidelines whereby members of the disability community work together with providers to accomplish the common goal of ensuring accessibility to products and services for all Americans. Through participation in such a process, users and providers would benefit from being involved in the product development process from start to finish, and providers especially would be able to anticipate the requirements of the disability community at all stages of product development.

Use by the Commission of guidelines rather than rigid rules assures that adjustments to the process can be made quickly when necessary to accommodate evolving technologies. Guidelines also allow use of a flexible case by case approach to accessibility that is not possible with rules and regulations. Thus, guidelines rather than rules are best suited to provide the Commission and interested parties with a body of precedent that will allow performance expectations and standards to be anticipated, without unnecessarily interfering with the development of products that reflect the latest technological advances.

III. RIGOROUS SERVICE DEPLOYMENT PREREQUISITES ARE  
UNNECESSARY AND COUNTER-PRODUCTIVE

The Commission should refrain from imposing rigorous prerequisites to product development, implementation and deployment such as those advocated by some commenting parties.<sup>6</sup> Such requirements would likely adversely impact product development and constrain competitive innovation by delaying the roll-out of new and improved products and services. The promulgation of Section 255 itself speaks against the implementation of such detailed and rigorous procedures and requirements in that its purpose is to lessen regulatory burdens and allow market forces to play a more active role in driving product development and innovation.

Respectfully submitted,



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Dated: November 27, 1996

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<sup>6</sup>See, e.g., Comments of the National Association of the Deaf at pp. 10-13 (advocating promulgation of several detailed procedures, including requirements to: (1) conduct market research with individuals with disabilities; (2) test disability access solutions with actual individuals with disabilities; (3) actively search for universal design and accessibility solutions; (4) ensure that all employees, third party distributors and contractors are aware of and in compliance with Section 255; (4) fully document efforts to achieve access solutions; and (5) make documentation available to the public upon request. While not necessarily burdensome standing alone, these inflexible prerequisites to product deployment would surely inject an element of delay into the already challenging process of introducing a new product to the market.

## CERTIFICATE OF SERVICE

**I, Stan Miller, do hereby certify that copies of the foregoing Reply Comments were sent via first class mail, postage paid, to the following on the 27th day of November, 1996**

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